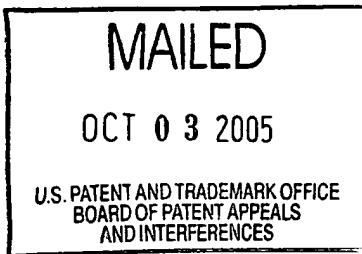


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOMENICO ARABINO

Application 10/038,586

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 13, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that the Examiner's Answer filed April 4, 2005 does not comply with the headings set forth in the new rules under 37 CFR § 41.37(c). Specifically, the Answer is missing the section entitled "Evidence Relied Upon" which is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art)

Application 10/038,586

relied upon in the rejection of claims under appeal. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

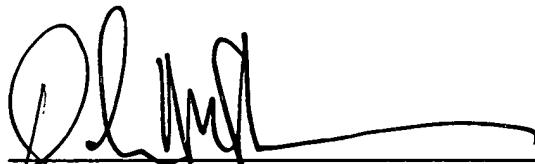
1) to vacate the Examiner's Answer mailed April 4, 2005 and issue a revised Examiner's Answer in compliance with the new rules which became effective on September 13, 2004;

2) to have a complete copy of any subsequent Examiner's Answer scanned into the record; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/psb

Suchrue, Mion, Zinn, MacPeak & Seas, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213